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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/716,781
Filing Date: November 18, 2003
Appellant(s): FAIRCHILD ET AL.

Julia A. Thomas
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 01 February 2007 appealing from the Office action mailed 19 October 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: The Applicant's arguments, filed 19 December 2006, have been fully considered and are persuasive. The Examiner withdraws the 35 U.S.C §101 rejections of claims 1, 7 and 13.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

6,804,674	Hsiao et al	10-2004
5,878,384	Johnson et al	3-1999
5,805,858	Kumamoto	9-1998
5,964,839	Johnson et al	10-1999

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 4, 7, 10, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsiao et al (U.S. Patent No. 6,804,674 and known hereinafter as Hsiao) in view of Johnson et al (U.S. Patent No. 5,878,384 and known hereinafter as Johnson '384).

As per claims 1, 7, and 13, Hsiao teaches a method for operating an online service facility selectively accessed by multiple member computers, the online service facility including a plurality of online data centers operated by an online service provider

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(OSP) to store members' data objects relating to a variety of online services that the OSP renders to its members, the method comprising operations of (i.e. "A scalable content management system manages searches from a local content manager and a plurality of remote content managers. A single scalable content manager manages data in a content repository or file system and its associated metadata in the same content repository or in a database, which will greatly simplify both content management logic and client application logic. The system architecture enables users to add scalable content managers as needed, which allows users to easily scale up the scalable content manager system, in both data size and user connection, as business grows. With the present scalable system architecture, a multi-node content management system will appear to be a single content management system to users, providing location transparency." The preceding text clearly indicates that content management system contains members' data objects, which are content contained in the content manager, which are stored in a plurality of on-line data centers. A plurality of content management systems, as shown in Figure 6, item 650, clearly indicate that they are contained in a plurality of data centers.)(Abstract; Figure 6, item 650): providing an aggregated catalog that contains information including: (1) metadata identifying members' data objects residing in the data centers, and (2) metadata identifying members' data objects residing in local storage of respective member computers (i.e. "The scalable content manager 515 manages the metadata stored in a database 525 and the primary content stored in a local file system 530 or resource manager, providing an integrated function of both metadata management and data (primary content) management." The preceding text clearly indicates that metadata are stored in the respective member computer, which is a local file system and in the data center, which is a database. It is also understood by an ordinary person skilled in the art that the content information can be stored in multiple databases, again, which can reside in multiple data centers. Although Hsiao does not teach the use of an aggregate catalog, the use of metadata is described. An ordinary person skilled in the art understands that when using metadata, it implies the use of identifying data objects that are stored in a local file system (i.e. computer. It is irrespective of where the metadata data objects are stored, as that is the applied use of

such art.)(Column 10, lines 49-53); communicating with the member computers to identify prescribed types of data objects newly stored in the member computers' local storage (i.e. *"If the query were to be satisfied by the remote content managers 650, the communications manager 645 connects to other remote content managers 650 by sending requests and receiving the search results, as described above in connection with the content manager 515."* *"In a content management system, three types of information are stored: primary content (also referred to as data or object), User Metadata, and System Metadata. Semi-structured and unstructured data, such as text file, image, web page, video clip, etc., constitute the primary content in a content management system."* The preceding text clearly indicates that the communication manager allows communication with other remote content managers, which are the member computers. The querying of results and receiving search results merely illustrates the retrieval of results (i.e. data objects) that are not found in the querying system. Thus, it is obvious that the results retrieved are new to the content manager (i.e. member's computer) and is stored.)(Column 12, lines 12-16; column 1, lines 55-62); updating the aggregated catalog to list the newly stored data objects from the online data centers and member computers' local storage (i.e. *"When an object is inserted or updated in a content management system, reference to and description of the object will also need to be created or updated in order to provide data consistency and avoid a referential integrity (RI) problem."* *"In addition, the scalable content management architecture provides an extensible architecture that enables users to integrate new content, and to migrate existing content with ease and flexibility."* The preceding text clearly indicates that an aggregated catalog is a type of content management system that can be updated.)(Column 3, lines 21-25; column 4, lines 51-54); responsive to each request by a member, searching the aggregated catalog and utilizing results of the search to provide an output for display at the requesting member's computer, the output comprising a consolidated listing of both online data objects and locally stored data objects owned by the requesting member (i.e. *"Users, such as remote Internet users are represented by a variety of computers such as computers 37, 39, and can query a*

content management system 10 for the desired information." *"It also provides a single system view to users of the content management system when metadata and objects are stored in multiple computer nodes. The location of an object and its associated"* The preceding text clearly indicates that a when a query is submitted by the user, a response is then returned to the user. In addition, included in a content management system contains an interface that allows a single system view to users of the content management system. Also, the single system view contains content that is pulled from multiple nodes, which include a locally stored data object owned by the requesting member and online data objects stored at the data center.)(Column 8, lines 32-35; column 4, lines 40-45).

Hsiao does not explicitly teach an aggregate catalog and a method for monitoring contents of the data centers to detect new storage of prescribed types of data objects owned by the members.

Johnson '384 teaches an aggregate catalog (i.e. *"The information is collected in real-time, on a operation-by-operation basis, and is ultimately aggregated, for example, at the household level in a central location. The aggregated data is thereafter transmitted to a central server for data analysis purposes."* *"Periodically, the files saved in memory 106 are uploaded to central server 20 (see FIG. 1) which aggregates information from all the hardware devices being monitored. Thereafter, central server 20 sends the information to server 10 via data communication medium 48, for example, on a periodic (e.g., once a day) or polled basis. As will be appreciated by those skilled in the art, the functionality and services provided by central server 20 may also be supplied, for example, by PC 24 thereby eliminating the need for a dedicated piece of computer hardware used for server purposes only."* The preceding text clearly indicates the use of aggregated data, where it would be obvious to an ordinary person skilled in the art that some form of an aggregate catalog is used to achieve the use of aggregate data.)(Column 3, lines 5-9; column 6, lines 37-46) a method for monitoring contents of the data centers to detect new storage of prescribed types of data objects owned by the members (i.e. *"An information monitoring system for the collection of all real-time information activity between a user and a*

variety of information services. The real-time interaction between a user using a communication device to interface with an information service is monitored to collect certain predetermined information which characterizes the nature of the user's interaction with a particular information service." The preceding text clearly indicates that monitoring content of the data center is a monitoring system.)(Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hsiao with the teachings of Johnson '384 to include a method for monitoring contents of the data centers to detect new storage of prescribed types of data objects owned by the members with the motivation to provide the functions needed for content creation, storage, search, management, and distribution. (Hsiao, column 5, lines 13-15).

As per claims 4 and 10, Hsiao does not explicitly teach a method where the operations further comprise: during display of the consolidated listing at the member's computer, updating the display substantially in real time to reflect any data objects that are of prescribed types, owned by the member, and newly stored in the online data center during the display.

Johnson '384 teaches a method where the operations further comprise: during display of the consolidated listing at the member's computer, updating the display substantially in real time to reflect any data objects that are of prescribed types, owned by the member, and newly stored in the online data center during the display (i.e. "*An information monitoring system for the collection of all real-time information activity between a user and a variety of information services. The real-time interaction between a user using a communication device to interface with an information service is monitored to collect certain predetermined information which characterizes the nature of the user's interaction with a particular information service.*" The preceding text

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clearly indicates that real time update is the real-time interaction between a user using a communication device to interface with an information service.)(Abstract).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hsiao with the teachings of Johnson '384 to include a method where the operations further comprise: during display of the consolidated listing at the member's computer, updating the display substantially in real time to reflect any data objects that are of prescribed types, owned by the member, and newly stored in the online data center during the display with the motivation to provide the functions needed for content creation, storage, search, management, and distribution. (Hsiao, column 5, lines 13-15).

3. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsiao et al (U.S. Patent No. 6,804,674 and known hereinafter as Hsiao) in view of Johnson et al (U.S. Patent No. 5,878,384 and known hereinafter as Johnson '384) and in further view of Kumamoto et al (U.S. Patent No. 5,805,858 and known hereinafter as Kumamoto).

As per claims 2 and 8, Hsiao and Johnson '384 do not explicitly teach a method where: the consolidated listing includes a member-activatable VIEW feature; the operations further comprise, responsive to activation of the VIEW feature in conjunction with a particular one of the listed data objects, activating software to present contents of the particular data object to the member.

Kumamoto teaches a method where: the consolidated listing includes a member-activatable VIEW feature; the operations further comprise, responsive to activation of the VIEW feature in conjunction with a particular one of the listed data objects, activating software to present contents of the particular data object to the member (i.e. "When view feature data concerning each of the views is created, auxiliary knowledge data is selected on the basis of the view feature data (step 202). One of a plurality of auxiliary knowledge data concerning the front view is selected on the basis of view feature data concerning the front view. Further, one of a plurality of auxiliary knowledge data concerning the top view and one of a plurality of auxiliary knowledge data concerning the side view are respectively selected on the basis of view feature data concerning the top view and view feature data concerning the side view.")(Column 31, lines 61-67; column 2, lines 1-4).

It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hsiao with the teachings of Johnson '384 and with the further teachings of Kumamoto to include a method where: the consolidated listing includes a member-activatable VIEW feature; the operations further comprise, responsive to activation of the VIEW feature in conjunction with a particular one of the listed data objects, activating software to present contents of the particular data object to the member with the motivation to provide the functions needed for content creation, storage, search, management, and distribution. (Hsiao, column 5, lines 13-15).

4. Claims 5 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hsiao et al (U.S. Patent No. 6,804,674 and known hereinafter as Hsiao) in view of Johnson et al (U.S. Patent No. 6,878,384 and known hereinafter as Johnson '384) and

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in further view of Johnson et al (U.S. Patent No. 5,964,839 and known hereinafter as Johnson '839).

As per claims 5 and 11, Hsiao and Johnson '384 do not explicitly teach a method where the monitoring operation is carried out by at least one of the following operations: communicating with the data centers to identify data objects contained therein; monitoring members' activities conducted while accessing the online service facility.

Johnson '839 teaches a method where the monitoring operation is carried out by at least one of the following operations: communicating with the data centers to identify data objects contained therein (i.e. *"In addition, other substantive data (e.g., type of service, type and number of inquiries made, etc . . .) regarding the real-time interaction are collected. The information is collected in real-time, on a operation-by-operation basis, and is ultimately aggregated, for example, at the household level in a central location. The aggregated data is thereafter transmitted to a central server for data analysis purposes."*)(Column 3, lines 13-18); monitoring members' activities conducted while accessing the online service facility (i.e. *"An object of the present invention is thus to provide a system and method for the monitoring and collection of all inbound/outbound information activity and communications activity at a particular user location, for example, a household equipped with a variety of devices having communication capabilities. In accordance with an aspect of the present invention, the real-time interaction between a user and an external information service is monitored and specific data are collected regarding that real-time interaction. For example, when a user is connected to a commercial information service (e.g., CompuServe or Prodigy) connectivity data (e.g., date/time of interactive session, number of packets sent/received, file name, application ID, etc . . .) are collected."*)(Column 2, lines 66-67; column 3, lines 1-13).

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It would have been obvious to a person of ordinary skill in the art at the time of Applicant's invention to modify the teachings of Hsiao with the teachings of Johnson '384 and further with the teachings of Johnson '839 to include a method where the monitoring operation is carried out by at least one of the following operations: communicating with the data centers to identify data objects contained therein; monitoring members' activities conducted while accessing the online service facility with the motivation to provide the functions needed for content creation, storage, search, management, and distribution. (Hsiao, column 5, lines 13-15).

(10) Response to Argument

Applicant argues the following:

(a) "...the applied art does not show the claimed combination including **'providing an aggregate catalog that contains information including: (1) metadata identifying members' data objects residing in the data centers, and (2) metadata identifying members' data objects residing in the local storage of respective members computers.'**"

The Examiner respectfully disagrees. The Applicant defines the aggregate catalog in the Applicant's specification, page 8, lines 5-15, *"(1) metadata concerning prescribed types of data object that are stored in the disparate data centers 112b-112f and owned by the members, and also (2) metadata concerning the prescribed types of data objects locally stored (102b) by the members. Some examples of the prescribed "types" of metadata may include **digital photographs, e-mails sent and/or received, e-mail attachments send and/or received, financial portfolio information, alerts & reminders, calendar information, favorites, personal filing cabinet contents,***

address book, instant messenger data, message board contents, music, videos, etc." Hsaio, column 1, lines 55-62, teaches a content management system as *"In a content management system, three types of information are stored: primary content (also referred to as Data or Object), User Metadata, and System Metadata. Semi-structured and unstructured data, such as text file, image, web page, video clip, etc., constitute the primary content in a content management system. Description of, and information about the stored primary content, which are normally provided by the users, are referred to as user metadata."* Therefore, in light of the specification, the Examiner believes that an aggregate catalog is a content management system as taught in Hsaio.

Furthermore, Hsaio teaches that content information including: (1) metadata identifying members' data objects (*"Description of, and information about the stored primary content, which are normally provided by the users, are referred to as user metadata."* The preceding text clearly indicates that the stored primary content is the data object and the description of, and information are the metadata identifying member's data object.)(column 1, lines 60-62) residing in the data centers (i.e. *"A scalable content management system manages searches from a local content manager and a plurality of remote content managers. A single scalable content manager manages data in a content repository or file system and its associated metadata in the same content repository or in a database, which will greatly simplify both content management logic and client application logic."* The preceding text clearly indicates that the data centers are the plurality of remote content managers.)(Abstract), (2)

metadata identifying members' data objects (*"Description of, and information about the stored primary content, which are normally provided by the users, are referred to as user metadata."*

The preceding text clearly indicates that the stored primary content is the data object and the description of, and information are the metadata identifying member's data object.)(column 1, lines 60-62) residing in the local storage of respective members computers (i.e. *"A scalable content management system manages searches from a local content manager and a plurality of remote content managers. A single scalable content manager manages data in a content repository or file system and its*

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associated metadata in the same content repository or in a database, which will greatly simplify both content management logic and client application logic." The preceding text clearly indicates that the local storage of respective members computer is a local content manager.)(Abstract). Also, the Examiner cites Figure 6 of Hsiao to further illustrate the prior art's teaching of this particular limitation. Since it is clear that the scalable content manager searches both the local **AND** a plurality of remote content managers, Hsiao clearly teaches the limitations of providing an aggregate catalog that contains information including: (1) metadata identifying members' data objects residing in the data centers, and (2) metadata identifying members' data objects residing in the local storage of respective members computers.

(b) "The applied art also lacks the claimed operation of **'communicating with the member computers to identify prescribed types of data objects newly stored in the member computers' local storage.'**"

The Examiner respectfully disagrees. Hsiao teaches communicating with the member computers (i.e. *"The content management system 10 is connected to the network 20 via a **communications link** such as a telephone, cable, direct internet, or satellite link 42. The servers 25, 27 can be connected via high speed Internet network lines 44, 46 to other computers and gateways. The servers 25, 27 provide **access to stored information** such as hypertext or web documents indicated generally at 50, 55, and 60. The hypertext documents 50 (source document), 55 (intermediate document), 60 (target document) most likely include **embedded hypertext links to other locally stored pages, and hypertext links 70, 72, 74, 76 to other webs sites or documents 55, 60 that are stored by various web servers such as the server 27.**"* The preceding text clearly indicates that communicating with member computers is the content management system communicating with other computers and

gateways.)(Column 8, lines 36-48) to identify prescribed types of data objects newly stored in the member computers' local storage (i.e. **"If the query were to be satisfied by the remote content managers 650, the communications manager 645 connects to other remote content managers 650 by sending requests and receiving the search results, as described above in connection with the content manager 515. The requests from the content manager 515 are multicasted to the parallel query managers of the remote content managers 650, which correspond to the parallel query manager of the content manager 515. In turn, the remote content managers 650 process the requests they receive from the local content manager 515, as described earlier in connection with the operation of the local content manager 515. If a query requests to retrieve the object (not just the reference to objects), the parallel query manager will retrieve the actual content from server 635, after first generates the reference list if needed, and return the content to the requesting application. As the need arises, additional servlets can be installed to provide access to new data or functions. By virtue of the communications manager 645, clients can access any of the enterprise-wide information using a browser from anywhere on the network 20 (FIG. 1), making scalable content management system 10 directly accessible from any browser."** The preceding text clearly illustrates to perform the "if the query were to be satisfied by the remote content manager," the prior art of record clearly establishes that the system is communicating with member computers, which are the remote content managers. Furthermore, the system is attempting to identify new data objects, which is taught by Hsaio, when the query request retrieves the object. That is when the query retrieves the results from the remote content managers, it identifies newly stored data objects, and stores the content to the requesting application, which resides on a member computer and stores the information.)(Column 12, lines 21-35).

(c) **"The applied art also lacks the claimed operation of 'updating the aggregated catalog to list the newly stored data objects from the online data centers and member computers' local storage.'"**

The Examiner respectfully disagrees. Hsaio teaches updating the aggregated catalog to list the newly stored data objects (i.e. *"When an object is inserted or updated in a content management system, reference to and description of the object will also need to be created or updated in order to provide data consistency and avoid a referential integrity (RI) problem."* *"In addition, the scalable content management architecture provides an extensible architecture that enables users to integrate new content, and to migrate existing content with ease and flexibility."* The preceding text clearly indicates that updating (i.e. an object is inserted or updated) the aggregated catalog (i.e. content management system) to list newly stored data objects (i.e. object).)(Column 3, lines 21-25; column 4, lines 51-54) from the online data centers and member computers' local storage (i.e. *"A scalable content management system manages searches from a local content manager and a plurality of remote content managers. A single scalable content manager manages data in a content repository or file system and its associated metadata in the same content repository or in a database, which will greatly simplify both content management logic and client application logic."* The preceding text clearly indicates that an online data center is a plurality of remote content manager and local content manager is the member computer's local storage.)(Abstract)

(d) **"The applied art also lacks the claimed operation of 'responsive to each request by a member, searching the aggregated catalog and utilizing results of the search to provide an output for display at the requesting member's computer, the output comprising a consolidated listing of both online data objects and locally stored data objects owned by the requesting member.'"**

The Examiner disagrees. Hsaio teaches responsive to each request by a member, searching the aggregated catalog and utilizing results of the search to provide

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an output for display at the requesting member's computer, the output comprising a consolidated listing of both online data objects and locally stored data objects owned by the requesting member (i.e. *"It also provides a single system view to users of the content management system when metadata and objects are stored in multiple computer nodes. The location of an object and its associated"* *"The local search results from the content search and parametric search, if both exist, are combined by the parallel query manager 615, which may also be awaiting the remote search results from the remote content managers 650. In case of remote search results, both the local and the remote search results 655 are merged or appended, and returned to the user."* The preceding text clearly indicates that the locally stored data objects owned by the requesting member (i.e. local search result) and the online data objects (i.e. remote search results) and are consolidated (i.e. either merged or appended), to the output (i.e. single system view).)(Column 4, lines 42-44; column 12, lines 5-10).

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Farhan Syed



Conferees:

Jeffrey Gaffin (SPE, AU 2165)

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EDDIE C. LEE
PATENT EXAMINER